

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

UNITED STATES OF AMERICA	)	
	)	
v.	)	CR. NO. 2:06-mj-24-DRB
	)	
BENJAMIN LEYVA and	)	
IRBIN LUNA ORTIZ	)	

GOVERNMENT'S MOTION FOR DETENTION HEARING

Comes now the United States of America, by and through Leura Garrett Canary, United States Attorney for the Middle District of Alabama, and pursuant to 18 U.S.C. 3142(e) and (f) moves for a detention hearing for the above-captioned defendant.

1. Eligibility of Cases

This case is eligible for a detention order because this case involves:

<u>      X      </u>	Crime of violence (18 U.S.C. 3156)
<u>      X      </u>	Maximum sentence of life imprisonment or death
<u>              </u>	10 + year drug offense
<u>              </u>	Felony, with two prior convictions in the above categories
<u>      X      </u>	Serious risk the defendant will flee
<u>              </u>	Serious risk of obstruction of justice

2. Reason For Detention

The Court should detain defendant because there are no conditions of release which will reasonably assure:

<u>      X      </u>	Defendant's appearance as required
<u>              </u>	Safety of any other person and the community

3. Rebuttable Presumption

The United States will invoke the rebuttable presumption against defendant under Section 3142(e).

\_\_\_\_\_ Probable cause to believe defendant committed 10 + year drug offense or an offense in which a firearm was used or carried under Section 924(c)

\_\_\_\_\_ Previous conviction for "eligible" offense committed while on pretrial bond

\_\_\_\_\_ A period of five years has not elapsed from defendant's conviction or release from imprisonment for the offense described above

4. Time For Detention Hearing

The United States requests the Court conduct the detention hearing:

\_\_\_\_\_ At the initial appearance

  X   After continuance of 3 days

The Government requests leave of Court to file a supplemental motion with additional grounds or presumption for detention should this be necessary.

Respectfully submitted this the 22nd day of March, 2006.

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